

BEFORE THE BOARD OF HOUSING
DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the proposed)	NOTICE OF PROPOSED
amendment of ARM 8.111.501,)	AMENDMENT
8.111.502, 8.111.503, 8.111.504,)	
8.111.505, 8.111.506, and 8.111.507)	NO PUBLIC HEARING
pertaining to housing loans)	CONTEMPLATED

TO: All Concerned Persons

1. On December 28, 2007, the Board of Housing proposes to amend the above-stated rules.

2. The Board of Housing will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., December 12, 2007, to advise us of the nature of the accommodation that you need. Please contact Diana Hall, Board of Housing, Department of Commerce, 301 South Park Avenue, P.O. Box 200528, Helena, Montana 59620-0528; telephone (406) 841-2840; TDD (406) 841-2702; fax (406) 841-2841; or e-mail dihall@mt.gov.

3. The rules as proposed to be amended provide as follows, deleted matter interlined, new matter underlined:

8.111.501 PURPOSE OF REGULATIONS (1) These rules are enacted by the board to provide explanation and guidance for:

(a) loans from the ~~affordable housing revolving~~ housing Montana fund loan account authorized by 90-6-133(2)(a) and 90-6-134, MCA, pursuant to the criteria and procedures described in ARM 8.111.503 through 8.111.507; and

(b) remains the same.

AUTH: 90-6-136, MCA

IMP: 90-6-134, MCA

8.111.502 DEFINITIONS When used in these rules, unless the context clearly requires a different meaning:

(1) through (6) remain the same.

(7) "~~RLA~~ HMF loan" means a loan made from the ~~revolving~~ housing Montana fund loan account authorized by 90-6-133(2)(a) and 90-6-134, MCA, and described in ARM 8.111.503 through 8.111.507.

(8) through (12) remain the same.

AUTH: 90-6-136, MCA

IMP: 90-6-134, MCA

8.111.503 ~~RLA~~ HMF LOAN ELIGIBLE LOAN ACTIVITIES (1) The board may make an ~~RLA~~ HMF loan for the following purposes:

(a) and (b) remain the same.

(c) acquisition of existing housing stock for the purpose of preservation of or conversion to housing for low-income or moderate income households; ~~and~~

(d) preconstruction technical assistance as described in 90-6-134(4), MCA, for housing for low-income and moderate income households in rural areas and small cities and towns;

(e) acquisition of land for housing developments, land banking, and land trusts; and

(f) short-term, site-based housing vouchers for needy individuals.

(2) An ~~RLA~~ HMF loan may not be made that will supplant existing or available funding for eligible activities.

AUTH: 90-6-136, MCA

IMP: 90-6-134, MCA

8.111.504 ~~RLA~~ HMF LOAN APPLICANT ELIGIBILITY (1) Organizations eligible for ~~RLA~~ HMF loans are agencies or programs of state government, local governments, tribal governments, local housing authorities, nonprofit community or neighborhood based organizations, regional or statewide nonprofit housing assistance organizations, and for-profit housing developers.

(2) remains the same.

AUTH: 90-6-136, MCA

IMP: 90-6-134, MCA

8.111.505 ~~RLA~~ HMF LOAN APPLICATION PROCEDURES

(1) through (2)(a) remain the same.

(b) an explanation of how the loan will not supplant existing or available funding for the project; ~~and~~

(c) a description of the priority the lien of the board will have in relationship with the liens of other lenders on the project; and

(d) a fee of 1 percent of the requested loan amount.

(3) and (4) remain the same.

AUTH: 90-6-136, MCA

IMP: 90-6-134, MCA

8.111.506 ~~RLA~~ HMF LOAN TERMS AND CONDITIONS (1) An ~~RLA~~ HMF loan shall:

(a) through (e) remain the same.

AUTH: 90-6-136, MCA

IMP: 90-6-133, 90-6-134, MCA

8.111.507 CRITERIA FOR APPROVAL OF RLA HMF LOAN (1) The board will review the following criteria in considering an application for an RLA HMF loan:

(a) through (c) remain the same.

(d) the priority to be given the board's lien for the RLA HMF loan in relation to the amount of the RLA HMF loan and the priority given the liens and the amount of the loans of the other lenders on the project.

AUTH: 90-6-136, MCA

IMP: 90-6-134, MCA

REASON: It is necessary to amend the rules to implement changes enacted by Chapter 426, 2007 Laws of Montana (SB 491), which changed the name of the affordable housing revolving loan account to the housing Montana fund.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Mathew Rude, Multifamily Program Manager, Board of Housing, Department of Commerce, 301 South Park Avenue, P.O. Box 200528, Helena, Montana 59620-0528; telephone (406) 841-2845; fax (406) 841-2841; or e-mail mrude@mt.gov, and must be received no later than 5:00 p.m., December 21, 2007.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Mathew Rude at the above address no later than 5:00 p.m., December 21, 2007.

6. If the agency receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be ten based on the number of persons on various mailing lists.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be sent or delivered to the Department of Commerce, 301 South Park Avenue, P.O. Box 200501, Helena, Montana 59620-0501, by fax to (406) 841-2701, by e-mail to lgregg@mt.gov, or by completing a request form at any rules hearing held by the department.

8. An electronic copy of this Notice of Proposed Amendment is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled. The bill sponsor was notified by regular mail on November 8, 2007.

MONTANA BOARD OF HOUSING
J. P. Crowley, Chair

/s/ G. MARTIN TUTTLE
G. MARTIN TUTTLE
Rule Reviewer

/s/ ANTHONY J. PREITE
ANTHONY J. PREITE
Director
Department of Commerce

Certified to the Secretary of State November 13, 2007.